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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,909	02/03/2004	Zohar Avrahami	206,424	3485
7	590 04/17/2006		EXAM	INER
JAY S. CINAMON ABELMAN, FRAYNE & SCHWAB			KENNEDY, SHARON E	
150 East 42nd Street		ART UNIT	PAPER NUMBER	
New York, NY	7 10017		3767	
			DATE MAILED: 04/17/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Entention of time may be available under the precisions of 37°CR 1.3560. In or evers, invovers, may a reply to all marky filled in the process of 37°CR 1.3560. In or evers, however, may a reply to all marky filled in the process of the proce		Application No.	Applicant(s)				
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2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 95-114 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 95-114 is/are rejected. 7) ☐ Claim(s) 95-114 is/are objected to. 8) ☐ Claim(s) 95-114 is/are objected to. 8) ☐ Claim(s) 95-114 is/are objected to. 9) ☐ The specification is objected to restriction and/or election requirement. Application Papers 9) ☐ The president in sobjected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application P	Status						
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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

Information Disclosure Statement

The prior art considered in the parent application has been considered herein. If applicant wants a listing of that prior art to appear on the face of any patent issuing from this application, applicant should submit a PTO Form-1449 with a listing thereof.

Copies of the prior art are not necessary.

Double Patenting

Claims 95-106, directed to the device, are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S.

Patent No. 6,148,232. Although the conflicting claims are not identical, they are not patentably distinct from each other because the device claims of this application overlap/encompass the device claims of the parent as both are directed to a device for ablating the stratum corneum epidermis.

Claims 107-114, directed to the method, are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,615,079. Although the conflicting claims are not identical, they are not patentably distinct from each other because the method claims of this application

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overlap/encompass the method claims of the parent as both are directed to a device for ablating the stratum corneum epidermis.

Claims 95-106, directed to the device, are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-44 of U.S. Patent No. 6,711,435. Although the conflicting claims are not identical, they are not patentably distinct from each other because the device claims of this application overlap/encompass the device claims of the parent as both are directed to a device for ablating the stratum corneum epidermis.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Eggers et al patents have been discussed previously in the parent applications, which prosecution history is incorporated herein.

Allowable Subject Matter

Claims 94-114 would be allowed if terminal disclaimers as set forth above were filed.

The following is a statement of reasons for the indication of allowable subject matter: See the parent applications.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes, can be reached on 571/272-4959.

Information regarding the status of an application may be obtained by going to www.uspto.gov, clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.

Sharon Kennedy Primary Examiner Page 4

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